

ATTACHMENT 7

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC. Case No.: 5:14-cv-05344-BLF (PSG)

Plaintiff,

v.

ARISTA NETWORKS, INC.

Defendants.

* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY *

VIDEOTAPED DEPOSITION OF KIRK LOUGHEED

Palo Alto, California

Monday, April 4, 2016

Volume 2

Reported by:

LESLIE JOHNSON

RPR, CSR No. 11451

Job No.: 2285024

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| 1 UNITED STATES DISTRICT COURT | 1 I N D E X |
| 2 FOR THE NORTHERN DISTRICT OF CALIFORNIA | 2 |
| 3 SAN JOSE DIVISION | 3 WITNESS EXAMINATION |
| 4 | 4 KIRK LOUGHEED |
| 5 CISCO SYSTEMS, INC. Case No.: 5:14-cv-05344-BLF(PSG) | 5 Volume 2 |
| 6 Plaintiff, | 6 BY MR. WONG 197 |
| 7 v. | 7 |
| 8 ARISTA NETWORKS, INC. | 8 EXHIBITS |
| 9 Defendants. | 9 KIRK LOUGHEED |
| 10 | 10 NUMBER DESCRIPTION PAGE |
| 11 | 11 Exhibit 452 Copy of name badge; 1 page 198 |
| 12 | 12 Exhibit 453 Black and white copy of photograph; 198 |
| 13 | 13 1 page |
| 14 * HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY * | 14 Exhibit 454 Patent Agreement; Bates stamped 208 |
| 15 | 15 KL-00000872 to 891 |
| 16 | 16 Exhibit 455 A Multiple Protocol Kernel for 228 |
| 17 VIDEOTAPED DEPOSITION OF KIRK LOUGHEED, Volume 2, | 17 Local Area Network Software |
| 18 taken on behalf of Defendant, at 601 California Avenue, | 18 Development Reference Manual; Bates |
| 19 Palo Alto, California, beginning at 9:25 a.m. and ending | 19 stamped KL-00000001 to 93 |
| 20 at 4:37 p.m., on Monday, April 4, 2016, before | 20 |
| 21 LESLIE JOHNSON, Certified Shorthand Reporter No. 11451. | 21 Exhibit 456 Document entitled "Chaosnet"; Bates 238 |
| 22 | 22 stamped KL-00000186 to 250 |
| 23 | 23 Exhibit 457 Document entitled "Debugging 241 |
| 24 | 24 Information"; Bates stamped |
| 25 | 25 KL-00000564-654 |
| Page 191 | 26 Exhibit 458 DECnet Digital Network Architecture 244 |
| | 27 (Phase V); Bates stamped |
| | 28 KL-00000251 to 380 |
| | 29 Exhibit 459 E-mail from Stanford Low Overhead 252 |
| | 30 Timesharing; Bates stamped |
| | 31 KL-00001699 to 763 |
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| 1 | EXHIBITS (Cont.) | 1 | THE VIDEOGRAPHER: Thank you. Will the |
| 2 | KIRK LOUGHEED | 2 | certified court reporter please swear in the |
| 3 | NUMBER DESCRIPTION PAGE | 3 | witness. |
| 4 | Exhibit 472 "cisco.c" source code; 1 page 371 | 4 | |
| 5 | Exhibit 473 "stanford.c" source code; 1 page 371 | 5 | KIRK LOUGHEED, |
| 6 | Exhibit 474 Source code; Bates stamped 375 | 6 | having been administered an oath, was examined and |
| 7 | KL-SC-00000033 to 41 | 7 | testified as follows: |
| 8 | Exhibit 475 Source code; Bates stamped 375 | 8 | |
| 9 | KL-SC-00000042 to 52 | 9 | EXAMINATION (RESUMED) |
| 10 | Exhibit 476 Cisco Systems ASM/AGS User Manual 383 | 10 | BY MR. WONG: |
| 11 | and Configuration Guide; Bates | 11 | Q. Good morning, Mr. Lougheed. |
| 12 | stamped CSI-CLI-00358622 to 54 | 12 | A. Good morning. |
| 13 | * * * | 13 | Q. Mr. Lougheed, do you understand that this |
| 14 | | 14 | is a continuation of your personal deposition that |
| 15 | | 15 | was taken back on November 20th, 2015? |
| 16 | | 16 | A. I do. |
| 17 | | 17 | Q. And do you understand that you are still |
| 18 | | 18 | testifying under oath as if you were testifying at |
| 19 | | 19 | trial? |
| 20 | | 20 | A. I do. |
| 21 | | 21 | Q. And is there any reason why you cannot |
| 22 | | 22 | give full and truthful testimony today? |
| 23 | | 23 | A. There is no reason. |
| 24 | | 24 | Q. And are you generally still familiar with |
| 25 | | 25 | the ground rules for a deposition? |
| Page 195 | | Page 197 | |
| 1 | Palo Alto, California, Monday, April 4, 2016 | 1 | A. Yes. |
| 2 | 9:25 a.m. | 2 | Q. Okay. Well, I'll just repeat some of the |
| 3 | | 3 | more important rules. If you need to take a break |
| 4 | THE VIDEOGRAPHER: Good morning. We're on | 4 | at any time, just let me know. And all I'd ask is |
| 5 | the record. The time is 9:25 a.m., and the date is | 5 | that if there is a question pending, that you answer |
| 6 | April 4th, 2016. This begins Volume 2 of the | 6 | it before we go on the break. Okay? |
| 7 | videotaped deposition of Mr. Kirk Lougheed. My name | 7 | A. (Witness nods head.) |
| 8 | is Sean Grant, here with our court reporter, Leslie | 8 | MR. WONG: Why don't we mark this as the |
| 9 | Johnson. We're here from Veritext Legal Solutions | 9 | first exhibit for today. |
| 10 | at the request of counsel for Defendant. This | 10 | (Exhibit 452 marked for identification.) |
| 11 | deposition is being held at Wilson Sonsini in Palo | 11 | MR. WONG: And we will mark this one as |
| 12 | Alto, California. The caption of this case is | 12 | the next exhibit. |
| 13 | "Cisco Systems Inc. versus Arista Networks Inc.," | 13 | (Exhibit 453 marked for identification.) |
| 14 | Case No. 5:14-cv-05344-BLF. | 14 | MR. NEUKOM: Ryan, I have two separate |
| 15 | Please note that audio and video recording | 15 | pieces of paper. Are you treating these as two |
| 16 | will take place unless all parties have agreed to go | 16 | separate exhibits? |
| 17 | off the record. Microphones are sensitive and may | 17 | MR. WONG: Yes. I'm going to give them |
| 18 | pick up whispers, private conversations or cellular | 18 | two exhibit numbers and read them into the record in |
| 19 | interference. | 19 | just a second. |
| 20 | At this time, will counsel please identify | 20 | The court reporter has marked as |
| 21 | themselves and state whom they represent. | 21 | Exhibit 452 a photocopy -- photo bearing Bates Nos. |
| 22 | MR. WONG: Ryan Wong from Kecker & Van Nest | 22 | KL-00002202. The court reporter has also marked as |
| 23 | for Defendant Arista Networks. | 23 | Exhibit 453, a black and white photo with Bates Nos. |
| 24 | MR. NEUKOM: John Neukom for the plaintiff | 24 | KL-00002201. |
| 25 | and also today for the witness. | 25 | //// |
| Page 196 | | Page 198 | |

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| <p>1 A. Let me take a quick scan through this.</p> <p>2 Q. Sure.</p> <p>3 A. Yes. I recognize this file.</p> <p>4 Q. And what is the source code marked as</p> <p>5 Exhibit 470?</p> <p>6 A. It's from the Stanford -- or excuse me.</p> <p>7 It's from the Cisco fork. And it supports the</p> <p>8 loading of a file of configuration commands and the</p> <p>9 parsing of those configuration commands and the</p> <p>10 execution of those configuration commands.</p> <p>11 Q. And in line 4 on the first page of</p> <p>12 Exhibit 470, it again says "June of 1985, Kirk</p> <p>13 Lougheed," correct?</p> <p>14 A. Yes.</p> <p>15 Q. Is that the date that you created the</p> <p>16 config.c file?</p> <p>17 A. That's the date I created the config.c</p> <p>18 file.</p> <p>19 Q. And you worked on the code for Exhibit 470</p> <p>20 between June of 1985 and also in June -- strike</p> <p>21 that.</p> <p>22 When did you work on the source code shown</p> <p>23 in Exhibit 470?</p> <p>24 A. From June of 1985 until -- until I left</p> <p>25 Stanford in July of '86.</p> <p style="text-align: right;">Page 359</p> | <p>1 quotes starting on line 95 of Exhibit 470?</p> <p>2 A. Those are various configuration command</p> <p>3 tokens.</p> <p>4 Q. And so these are words that would be</p> <p>5 accepted by the CLI of the version of the EE-CF</p> <p>6 software that --</p> <p>7 MR. NEUKOM: Objection. Vague.</p> <p>8 MR. WONG: I'm not even done with the</p> <p>9 question, but let me just ask you.</p> <p>10 MR. NEUKOM: That's all right. It was</p> <p>11 vague halfway through.</p> <p>12 BY MR. WONG:</p> <p>13 Q. Let me re-ask the question, Mr. Lougheed.</p> <p>14 How were these various configuration</p> <p>15 command tokens, as you called them, starting on line</p> <p>16 95 of Exhibit 470 used in the EE-CF software?</p> <p>17 MR. NEUKOM: Objection. Vague. Compound.</p> <p>18 THE WITNESS: They were contained in a</p> <p>19 file residing on a network host, and they would be</p> <p>20 downloaded into the router TIP whatnot, parsed and</p> <p>21 executed. They were not interactive commands.</p> <p>22 BY MR. WONG:</p> <p>23 Q. Are any of these configuration commands</p> <p>24 also supported by the Stanford fork of the EE-CF</p> <p>25 software?</p> <p style="text-align: right;">Page 361</p> |
| <p>1 Q. And some of the source code in here was</p> <p>2 written or modified by you while you were at</p> <p>3 Stanford, correct?</p> <p>4 A. Correct.</p> <p>5 Q. On the page ending in Bates No. 11</p> <p>6 starting at line 94?</p> <p>7 A. Uh-huh.</p> <p>8 Q. There looks to be a list, a</p> <p>9 comma-delimited list of words in quotes.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 MR. NEUKOM: Sorry. Which page 11?</p> <p>13 MR. WONG: I'm sorry. Page 11 of</p> <p>14 Exhibit 470.</p> <p>15 MR. NEUKOM: The Bates stamp page 11?</p> <p>16 MR. WONG: Yes.</p> <p>17 MR. NEUKOM: Okay.</p> <p>18 BY MR. WONG:</p> <p>19 Q. And we're looking at the line starting at</p> <p>20 around 94, 95.</p> <p>21 So Mr. Lougheed, you see starting at</p> <p>22 around line 95 there is a list of comma-delimited</p> <p>23 words that are in double quotes, correct?</p> <p>24 A. Right.</p> <p>25 Q. What are those words that appear in double</p> <p style="text-align: right;">Page 360</p> | <p>1 A. I would imagine some of them are. I would</p> <p>2 have to refer to the -- this Exhibit 36 to determine</p> <p>3 which ones actually were.</p> <p>4 Q. Okay. But -- so if any of these commands</p> <p>5 were supported by the Stanford fork of the EE-CF</p> <p>6 software, you would expect them to be documented in</p> <p>7 Exhibit 36, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And in Exhibit -- the source code in</p> <p>10 Exhibit 470, is any of the source code in</p> <p>11 Exhibit 470 identical to source code that's in the</p> <p>12 Stanford fork of the EE-CF software?</p> <p>13 MR. NEUKOM: Objection. Vague. Compound.</p> <p>14 And lack of foundation.</p> <p>15 BY MR. WONG:</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p> <p style="text-align: right;">Page 362</p> |

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| <p>Page 368</p> | <p>Page 370</p> |

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| <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 MR. WONG: Let's mark these two. This</p> <p>18 will be 472.</p> <p>19 (Exhibit 472 marked for identification.)</p> <p>20 MR. WONG: Oh, sorry. 472.</p> <p>21 And this one will be 473.</p> <p>22 (Exhibit 473 marked for identification.)</p> <p>23 BY MR. WONG:</p> <p>24 Q. The court reporter has marked as</p> <p>25 Exhibit 472 and 473 documents produced to us in a</p> <p style="text-align: right;">Page 371</p> | <p>1 into the code. So you could say -- both of them you</p> <p>2 could look at by saying "show hardware" and see</p> <p>3 what -- see what they were.</p> <p>4 Q. And so what determines whether the Cisco</p> <p>5 copyright notice -- well, strike that.</p> <p>6 Exhibit 473 is not a Cisco copyright</p> <p>7 notice, correct?</p> <p>8 A. Correct. There is no copyright notice</p> <p>9 there.</p> <p>10 Q. Right. It says "Stanford EE-CF</p> <p>11 EtherTIP/Gateway 5.2 (341)"?</p> <p>12 A. Right.</p> <p>13 Q. What determines whether the text shown in</p> <p>14 Exhibit 473 or the text shown in Exhibit 472 gets</p> <p>15 put into the source code?</p> <p>16 A. I believe it depended on which make file</p> <p>17 target I used.</p> <p>18 Q. So am I right that you compile the same</p> <p>19 source code to contain either a Cisco copyright</p> <p>20 notice or a text that says "Stanford EE-CF</p> <p>21 EtherTIP/Gateway" notice?</p> <p>22 A. Yes.</p> <p>23 Q. Why would you have functionality to either</p> <p>24 put a Cisco copyright notice or a label that says</p> <p>25 "Stanford EE-CF EtherTIP/Gateway" label into the</p> <p style="text-align: right;">Page 373</p> |
| <p>1 single native file, and the control number for both</p> <p>2 Exhibits 472 and 473 is CSI-CLI-01143416.</p> <p>3 Exhibit 472 at the top says "cisco.c." Exhibit 473</p> <p>4 at the top says "stanford.c."</p> <p>5 Mr. Lougheed, do you recognize the</p> <p>6 document marked as Exhibit 472?</p> <p>7 A. Yes, I do.</p> <p>8 Q. And do you recognize the exhibit marked as</p> <p>9 Exhibit 473?</p> <p>10 A. Yes, I do.</p> <p>11 Q. What is the document marked as</p> <p>12 Exhibit 472?</p> <p>13 A. It is a one-line piece of source code that</p> <p>14 was generated every time the source code was</p> <p>15 compiled. And it would include a version name,</p> <p>16 version number in parentheses, an edit number, when</p> <p>17 it was compiled, and a copyright notice.</p> <p>18 We're talking about 472, correct.</p> <p>19 Q. Yes. And Exhibit 472, the copyright</p> <p>20 notice, is a Cisco systems copyright notice,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. And what is Exhibit 473?</p> <p>24 A. It is, again, one line of code that is</p> <p>25 created when the system is compiled and compiled</p> <p style="text-align: right;">Page 372</p> | <p>1 source code?</p> <p>2 MR. NEUKOM: Just one second. The</p> <p>3 question phrased in the hypothetical asks for</p> <p>4 speculation or opinion testimony.</p> <p>5 MR. WONG: Let me rephrase the question</p> <p>6 then.</p> <p>7 BY MR. WONG:</p> <p>8 Q. Why did you have functionality to either</p> <p>9 put a Cisco copyright notice or a label that says</p> <p>10 Stanford EtherTIP/Gateway into the source code when</p> <p>11 you compiled it?</p> <p>12 MR. NEUKOM: Objection. Lacks foundation.</p> <p>13 THE WITNESS: I needed a way of</p> <p>14 identifying the software through the command-line</p> <p>15 interface, and I don't -- and at one point the</p> <p>16 Stanford.c was the original one, and I created a</p> <p>17 Cisco.c and -- and it didn't delete the Stanford.c</p> <p>18 one from the -- from the Cisco fork.</p> <p>19 MR. NEUKOM: We've, again, been going for</p> <p>20 over an hour. So let's take a break, please.</p> <p>21 THE VIDEOGRAPHER: Going off the record.</p> <p>22 The time is 3:52 p.m.</p> <p>23 (A recess was taken.)</p> <p>24 THE VIDEOGRAPHER: Back on the record.</p> <p>25 The time is 4:01 p.m.</p> <p style="text-align: right;">Page 374</p> |

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| <p>1 A. Correct.</p> <p>2 Q. Was the source code shown in Exhibit 475,</p> <p>3 the SUMEX source code, used to create the source</p> <p>4 code shown in Exhibit 474?</p> <p>5 A. I believe it was the basis for the code.</p> <p>6 The functions you have pointed out, it appears that</p> <p>7 the Yaeger stuff was the basis for that.</p> <p>8 Q. And you removed any mention of Mr. Yaeger</p> <p>9 in the Cisco fork of the ECF software shown in</p> <p>10 Exhibit 474, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And why did you remove any reference to</p> <p>13 Mr. Yaeger from the Cisco fork of the EE-CF software</p> <p>14 shown in Exhibit 474?</p> <p>15 A. Because I wasn't interested in carrying</p> <p>16 forward his little source code Easter eggs in the</p> <p>17 comments.</p> <p>18 Q. Did you remove references to Mr. Yaeger</p> <p>19 from other portions of the Cisco fork of the EE-CF</p> <p>20 source code?</p> <p>21 MR. NEUKOM: Objection. The document</p> <p>22 speaks for itself. Or best evidence.</p> <p>23 THE WITNESS: I certainly removed that</p> <p>24 comment. I don't remember if I removed any other</p> <p>25 comments.</p> <p style="text-align: right;">Page 379</p> | <p>1 hierarchy of commands that are used in that command</p> <p>2 mode.</p> <p>3 Q. Okay. Well, my question is, did you</p> <p>4 create the "user exec" command mode in Cisco IOS?</p> <p>5 MR. NEUKOM: Objection. Asked and</p> <p>6 answered.</p> <p>7 THE WITNESS: I'm sorry. The question</p> <p>8 again is?</p> <p>9 BY MR. WONG:</p> <p>10 Q. Did you create the "user exec" command</p> <p>11 mode in Cisco IOS?</p> <p>12 MR. NEUKOM: Objection. Asked and</p> <p>13 answered.</p> <p>14 THE WITNESS: I was the person responsible</p> <p>15 for the look and feel of the "exec" command mode.</p> <p>16 BY MR. WONG:</p> <p>17 Q. But when you say "exec" command mode, is</p> <p>18 that the same thing as the "user exec" command mode?</p> <p>19 A. Yes. I think we're talking about the same</p> <p>20 thing.</p> <p>21 Q. I think we are too.</p> <p>22 Is there a "privilege exec" command mode</p> <p>23 in Cisco IOS?</p> <p>24 A. Yes.</p> <p>25 Q. And what is the difference between the</p> <p style="text-align: right;">Page 381</p> |
| <p>1 BY MR. WONG:</p> <p>2 Q. You can set that aside.</p> <p>3 Mr. Loughheed, after your first deposition,</p> <p>4 Cisco identified you a few days later as the creator</p> <p>5 of the command modes and prompts at issue in this</p> <p>6 litigation. Are you aware of that?</p> <p>7 A. Yes.</p> <p>8 Q. Are you the creator of the command modes</p> <p>9 and prompts at issue in this litigation?</p> <p>10 MR. NEUKOM: Objection. Compound.</p> <p>11 BY MR. WONG:</p> <p>12 Q. Let me go one by one then, Mr. Loughheed.</p> <p>13 A. Okay.</p> <p>14 Q. Are you familiar with the "user exec"</p> <p>15 command mode?</p> <p>16 A. In what piece of software?</p> <p>17 Q. Cisco IOS.</p> <p>18 A. Yes.</p> <p>19 Q. And what is the "user exec" command mode</p> <p>20 in Cisco IOS?</p> <p>21 A. It's the set of interactive commands for</p> <p>22 maintaining and monitoring the software.</p> <p>23 Q. And did you create the "user exec" command</p> <p>24 mode in Cisco IOS?</p> <p>25 A. I created many of the commands and the</p> <p style="text-align: right;">Page 380</p> | <p>1 "privilege exec" command mode in Cisco IOS and the</p> <p>2 "user exec" command mode in Cisco IOS?</p> <p>3 A. The one is a subset of the other.</p> <p>4 Q. Which one is a subset of the other?</p> <p>5 A. The "user" command mode.</p> <p>6 Q. And are you the creator of the "privilege</p> <p>7 exec" command mode in Cisco IOS?</p> <p>8 A. I base that ultimately on Mr. Yaeger's</p> <p>9 work.</p> <p>10 Q. Is that the end of your answer?</p> <p>11 A. Yes.</p> <p>12 Q. I just wanted to make sure that you</p> <p>13 weren't going to say something else.</p> <p>14 A. Okay.</p> <p>15 Q. Is there a "global configuration" command</p> <p>16 mode in Cisco IOS?</p> <p>17 A. Yes.</p> <p>18 Q. What is the "global configuration" command</p> <p>19 mode in Cisco IOS?</p> <p>20 A. It's a set of configuration commands that</p> <p>21 apply to the entire box.</p> <p>22 Q. And did you create the "global</p> <p>23 configuration" command mode in Cisco IOS?</p> <p>24 A. Yes.</p> <p>25 Q. When did you create the "global</p> <p style="text-align: right;">Page 382</p> |

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| <p>1 configuration" command mode in Cisco IOS?</p> <p>2 A. In the 1985, 1986 time frame.</p> <p>3 Q. And why do you say the 1985, 1986 time</p> <p>4 frame?</p> <p>5 A. Because that's -- I don't have any further</p> <p>6 precision.</p> <p>7 Q. Let's mark this as the next exhibit. I'm</p> <p>8 sorry. What number are we on?</p> <p>9 THE REPORTER: 476.</p> <p>10 (Exhibit 476 marked for identification.)</p> <p>11 BY MR. WONG:</p> <p>12 Q. The court reporter has marked Exhibit 476</p> <p>13 a document bearing control numbers CSI-CLI-00358622</p> <p>14 to 358654.</p> <p>15 Mr. Lougheed, before I ask you about this</p> <p>16 document, this is a document that Cisco has</p> <p>17 identified to Arista as the first documentation of</p> <p>18 the command modes and prompts at issue in this case.</p> <p>19 So you know, whether that's true or not, I don't</p> <p>20 know, but I'm just representing to you that that is</p> <p>21 what Cisco has represented to us in discovery.</p> <p>22 Can you please take a look at Exhibit 476</p> <p>23 and let me know if you recognize Exhibit 476.</p> <p>24 A. Yes. I recognize it.</p> <p>25 Q. And what is Exhibit 476?</p> <p style="text-align: right;">Page 383</p> | <p>1 BY MR. WONG:</p> <p>2 Q. I'll go one by one then.</p> <p>3 Mr. Lougheed, do you --</p> <p>4 MR. NEUKOM: Why? I don't mean to be a</p> <p>5 pain, but it's 4:20 in the afternoon. This witness</p> <p>6 is on his second day of deposition. If it's in</p> <p>7 there, you can show it at trial. If it is or it</p> <p>8 isn't, we're keeping Mr. Lougheed here so that you</p> <p>9 can walk him through to have him admit the contents</p> <p>10 of a document or not.</p> <p>11 MR. WONG: Okay.</p> <p>12 MR. NEUKOM: It just seems a little bit of</p> <p>13 a pain for this witness who is being very</p> <p>14 cooperative.</p> <p>15 MR. WONG: Let's move on to the "interface</p> <p>16 configuration" command mode.</p> <p>17 BY MR. WONG:</p> <p>18 Q. Mr. Lougheed, do you know what the</p> <p>19 "interface configuration" command mode is?</p> <p>20 A. Yes.</p> <p>21 Q. What is the "interface configuration"</p> <p>22 command mode?</p> <p>23 A. It is a -- it's a mode entered by the --</p> <p>24 starts out with the command interface, specifies the</p> <p>25 name of the interface, and then on subsequent lines</p> <p style="text-align: right;">Page 385</p> |
| <p>1 A. It's the first -- it's the first user</p> <p>2 manual for the Cisco software.</p> <p>3 Q. Okay. And was the user manual in --</p> <p>4 strike that.</p> <p>5 So this -- Exhibit 476 says "Version 5.2,"</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. Was that the first version of Cisco's</p> <p>9 ASM/AGS software that was sold to the public?</p> <p>10 A. Yes.</p> <p>11 Q. And was the user manual and configuration</p> <p>12 guide for the Cisco Systems ASM/AGS marked here as</p> <p>13 Exhibit 476 provided to customers of Cisco?</p> <p>14 MR. NEUKOM: Objection. Lack of</p> <p>15 foundation.</p> <p>16 THE WITNESS: We shipped a copy with each</p> <p>17 of the earlier units.</p> <p>18 BY MR. WONG:</p> <p>19 Q. And you know that from personal knowledge?</p> <p>20 A. Yes.</p> <p>21 Q. Do you agree, Mr. Lougheed, that the</p> <p>22 command modes that we have been discussing today are</p> <p>23 documented in Exhibit 476?</p> <p>24 MR. NEUKOM: Objection. The document</p> <p>25 speaks for itself. And objection, compound.</p> <p style="text-align: right;">Page 384</p> | <p>1 there are subcommands that refer to the -- there are</p> <p>2 subsequent configuration commands that use that</p> <p>3 first interface as a reference to what -- what</p> <p>4 interface is actually being configured.</p> <p>5 Q. And we're talking about the "interface</p> <p>6 configuration" command mode in Cisco IOS?</p> <p>7 A. In the current Cisco IOS, yes.</p> <p>8 Q. And are you the creator of the "interface</p> <p>9 configuration" command mode in Cisco IOS?</p> <p>10 A. Yes.</p> <p>11 Q. And when was that created?</p> <p>12 A. After I left Stanford.</p> <p>13 Q. Do you know approximately when in terms of</p> <p>14 the year that you created the "interface</p> <p>15 configuration" command mode?</p> <p>16 A. '86, early '87.</p> <p>17 Q. What's the command prompt for the</p> <p>18 "interface configuration" command mode in Cisco IOS?</p> <p>19 A. I don't remember what the modern one is.</p> <p>20 There was none in the early versions.</p> <p>21 Q. And what was the command prompt for the</p> <p>22 "exec" or "user exec" command mode for Cisco IOS?</p> <p>23 A. The name of the host. If it didn't -- if</p> <p>24 there was -- either gateway angle bracket, which was</p> <p>25 the default, or if it could figure out its host</p> <p style="text-align: right;">Page 386</p> |

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| <p>1 name, it would have the host name and an angle</p> <p>2 bracket.</p> <p>3 Q. And was the angle bracket also the prompt</p> <p>4 used -- strike that.</p> <p>5 Was the angle bracket also a prompt used</p> <p>6 in the EE-CF software at Stanford?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know if the angle bracket was used</p> <p>9 in the SUMEX software at Stanford?</p> <p>10 A. I don't recall.</p> <p>11 Q. If you open up Exhibit 36, Mr. Lougheed.</p> <p>12 A. Okay. 36?</p> <p>13 Q. Yes, Exhibit 36. It's a manual. It's the</p> <p>14 manual we were just looking at. Or actually not.</p> <p>15 It's a different manual.</p> <p>16 A. No. It documents -- no. They're</p> <p>17 different manuals.</p> <p>18 Q. Yes. I'm sorry. If you have Exhibit 36,</p> <p>19 that's fine.</p> <p>20 A. Yes, I've got it.</p> <p>21 Q. But I meant Exhibit 476. I'm confusing</p> <p>22 myself now.</p> <p>23 A. Okay.</p> <p>24 Q. If you turn to page 2 of Exhibit 476. Let</p> <p>25 me know when you're there.</p> <p style="text-align: right;">Page 387</p> | <p>1 A. Yes.</p> <p>2 Q. Now, the next line says, "Sierra is the</p> <p>3 name of the time-sharing computer."</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. That Sierra is referring to the same</p> <p>7 Sierra that's used at Stanford, correct?</p> <p>8 A. In this context, Sierra is referring to a</p> <p>9 generic time-sharing computer.</p> <p>10 Q. Can you open up Exhibit 36, please,</p> <p>11 Mr. Lougheed? And you can stay on that page of</p> <p>12 Exhibit 476. But if you open up Exhibit 36 to</p> <p>13 page 2. And the control number at the bottom is</p> <p>14 CSI-CLI-01315527. Let me know when you're there.</p> <p>15 A. I'm there.</p> <p>16 Q. Under section 2-1, "Basic Ethertip Use,"</p> <p>17 do you see where I'm looking?</p> <p>18 A. Uh-huh.</p> <p>19 Q. It says, "To get the attention of the</p> <p>20 EtherTIP's command processor, you must press the</p> <p>21 return key. A message may be printed out, followed</p> <p>22 by the EtherTIP's name. The EtherTIP is then ready</p> <p>23 to accept commands. See Figure 2-1. Words in</p> <p>24 boldface are typed by the user; normal type is</p> <p>25 printed by the EtherTIP; and italics are comments."</p> <p style="text-align: right;">Page 389</p> |
| <p>1 A. Page 2 as in the documents, internal</p> <p>2 documents?</p> <p>3 Q. Yes. I'm sorry. And the control number at</p> <p>4 the bottom of page 2 of Exhibit 476 is CSI-CLI</p> <p>5 00358625. Are you there?</p> <p>6 A. I'm there.</p> <p>7 Q. Do you see a section called "2.1 Basic ASM</p> <p>8 Use"?</p> <p>9 A. Yes, I see that section.</p> <p>10 Q. And the first sentence there says, "To get</p> <p>11 the attention of the ASM's command processor, you</p> <p>12 must press the return key."</p> <p>13 Did I read that correctly?</p> <p>14 A. Yes.</p> <p>15 Q. The next sentence says, "A message must be</p> <p>16 printed out, followed by the ASM's host name."</p> <p>17 Did I read that correctly?</p> <p>18 MR. NEUKOM: We'll stipulate to that.</p> <p>19 BY MR. WONG:</p> <p>20 Q. And the rest of the paragraph reads, "The</p> <p>21 ASM is then ready to accept commands. See Figure</p> <p>22 2-1. Words in boldface are typed by the user;</p> <p>23 normal type is printed by the ASM; and italics are</p> <p>24 comments."</p> <p>25 Did I read that correctly?</p> <p style="text-align: right;">Page 388</p> | <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Now, that sounds like the same text that's</p> <p>4 in section 2.1 of the Cisco Systems ASM/AGS User</p> <p>5 Manual and Configuration Guide marked as</p> <p>6 Exhibit 476. Is that right?</p> <p>7 MR. NEUKOM: Objection. Mischaracterizes</p> <p>8 the document.</p> <p>9 THE WITNESS: Ask the question again. I'm</p> <p>10 sorry.</p> <p>11 BY MR. WONG:</p> <p>12 Q. The text that appears in the first</p> <p>13 paragraph under section 2.1 of the Stanford EtherTIP</p> <p>14 User Guide marked as Exhibit 36 is substantially the</p> <p>15 same as the text that appears under section 2.1 of</p> <p>16 the Cisco Systems ASM/AGS User Manual marked as</p> <p>17 Exhibit 476; isn't that right?</p> <p>18 MR. NEUKOM: Objection. Documents speak</p> <p>19 for themselves.</p> <p>20 THE WITNESS: I agree with your</p> <p>21 observation.</p> <p>22 BY MR. WONG:</p> <p>23 Q. You agree with whose observation?</p> <p>24 A. I was trying to answer your question.</p> <p>25 Q. Oh. Thank you, Mr. Lougheed.</p> <p style="text-align: right;">Page 390</p> |

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| <p>1 REPORTER'S CERTIFICATION</p> <p>2 I, Leslie Johnson, a Certified Shorthand</p> <p>3 Reporter of the State of California, do hereby certify:</p> <p>4 That the foregoing proceedings were taken</p> <p>5 before me at the time and place herein set forth; that</p> <p>6 any witnesses in the foregoing proceedings, prior to</p> <p>7 testifying, were administered an oath; that a record of</p> <p>8 the proceedings was made by me using machine shorthand</p> <p>9 which was thereafter transcribed under my direction;</p> <p>10 that the foregoing transcript is a true record of the</p> <p>11 testimony given.</p> <p>12 Further, that if the foregoing pertains to</p> <p>13 the original transcript of a deposition in a Federal</p> <p>14 Case, before completion of the proceedings, review</p> <p>15 of the transcript [] was [] was not requested.</p> <p>16 I further certify I am neither financially interested in</p> <p>17 the action nor a relative or employee of any attorney or</p> <p>18 any party to this action.</p> <p>19 IN WITNESS WHEREOF, I have this date</p> <p>20 subscribed my name.</p> <p>21 Dated: April 19, 2016</p> <p>22</p> <p>23 </p> <p>24 LESLIE JOHNSON</p> <p>25 CSR No. 11451, RPR, CCRR</p> <p>Page 399</p> | |
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